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PRESS RELEASE

Justice Department Sues Georgia for Unnecessarily Segregating Students with Disabilities

Tuesday, August 23, 2016

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For Immediate Release

Office of Public Affairs

The Lawsuit is the First Challenge to a State-Run School System for Segregating Students with Disabilities

The Justice Department announced today that it has filed a lawsuit against the state of Georgia alleging that its treatment and segregation of students with disabilities in the Georgia Network for Educational and Therapeutic Support (GNETS) Program violates the Americans with Disabilities Act (ADA).

The lawsuit, filed in U.S. District Court for the Northern District of Georgia, alleges that Georgia's administration of its mental health and therapeutic educational services for students with behavior-related disabilities unnecessarily segregates students with disabilities in GNETS when they could appropriately be served with their peers in general education settings. The community integration mandate of the ADA and the Supreme Court's decision in *Olmstead v. L.C.* require states to make services available to people with disabilities—including children with behavioral disabilities—in the most integrated setting appropriate to their needs. The department's complaint seeks declaratory and injunctive relief.

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Approximately 4,600 students with disabilities are currently in GNETS. In July 2015, the department issued an [extensive findings letter](#), notifying the state that it was violating the ADA by unnecessarily providing mental health and therapeutic educational services to students with behavior-related disabilities in segregated settings, denying them opportunities for meaningful interaction with their peers without disabilities. The department found that most students in GNETS spend their entire school day, including meals, exclusively with other students with disabilities. Specifically, more than two-thirds of GNETS students are assigned to attend school in regional GNETS centers that exclusively serve students with disabilities in buildings that are often located far from students' homes. Other students are assigned to regional GNETS classrooms located within general school buildings, but often in separate wings or isolated sections of the buildings.

"Seventeen years ago, the Supreme Court made clear that states must serve people with disabilities, including children with disabilities, in the most integrated setting appropriate to their needs," said Principal Deputy Assistant Attorney General Vanita Gupta, head of the Justice Department's Civil Rights Division. "Georgia has relegated thousands of students with behavior-related disabilities to separate, segregated and unequal settings, and placed other students at serious risk of entering such settings, failing to comply with the Americans with Disabilities Act. The Justice Department seeks to make the promise of community integration a reality for all of the state's students. Students with disabilities in Georgia are entitled to access the services and supports that they need in the most integrated setting appropriate, where they can interact with and learn alongside their non-disabled peers and access educational opportunities that are equal to those available to other students."

"This complaint alleges that many children in the GNETS Program are consigned to dilapidated buildings that were formerly used for black children during segregation, or to classrooms that are locked apart from mainstream classrooms, with substantially fewer opportunities of participating in extracurricular activities like music, art and sports," said U.S. Attorney John A. Horn of the Northern District of Georgia. "The law mandates that all children, including those with behavior-related disabilities, must have equal opportunities for education, and several existing programs within our Georgia schools show that with appropriate support and services, these students can enjoy far greater integration with their peers."

The lawsuit further alleges that as a result of the state's unnecessary segregation, students in GNETS lack equal access to academic and extracurricular opportunities enjoyed by their peers outside the GNETS Program. Mental health and therapeutic educational services and supports are available in Georgia to a limited number of students with disabilities in integrated educational settings. The students who receive such services, many of whom have disabilities similar to GNETS students, are able to interact to the fullest extent possible with their non-disabled peers, participate in curriculum that corresponds to appropriate grade-level standards and partake in a wide range of extracurricular activities.

The ADA prohibits discrimination on the basis of disability by public entities, including state and local governments. The ADA requires public entities to ensure that individuals with disabilities are provided services in the most integrated setting appropriate to their needs. The Justice Department's Civil Rights Division enforces the ADA, which authorizes the Attorney General to investigate allegations of discrimination based upon disability and to conduct compliance reviews regarding the programs and services offered by public entities. Visit www.ada.gov and www.justice.gov/crt to learn more about the ADA and other laws enforced by the Civil Rights Division. For more information on the Civil Rights Division's

[GNETS Complaint](#)

Updated August 23, 2016

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